

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIANE ELLSWORTH,

Defendant.

8:18CR88

ORDER

This matter is before the Court on defendant Liane Ellsworth's ("Ellsworth") Motion to Suppress Stop of Car (Filing No. 17). Ellsworth seeks to suppress "any and all evidence retrieved from the car in which [she] was traveling" on March 7, 2018, arguing law enforcement's stop and search of the car violated her rights under the Fourth Amendment to the U.S. Constitution. After an evidentiary hearing, the magistrate judge¹ issued a Findings and Recommendation (Filing No. 30) pursuant to 28 U.S.C. § 636(b)(1) recommending Ellsworth's motion be denied. The magistrate judge advised the parties (1) they had fourteen days to object to his findings and recommendation and (2) failing "to timely object may constitute a waiver of any such objection." Neither party objected within the time permitted.

Under § 636(b)(1), this Court must "make a de novo review of . . . specified proposed findings or recommendations to which objection is made." Absent an objection, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) ("[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court."); *see also* Fed. R. Crim. P. 59 (a), (b)(2); NECrimR 59.2(a), (e).

Based on the foregoing,

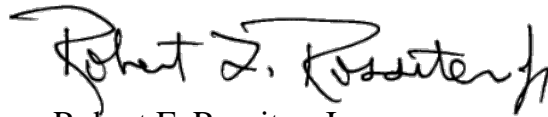
¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 30) are accepted in their entirety. Any objections are deemed waived.
2. Defendant Liane Ellsworth's Motion to Suppress Stop of Car (Filing No. 17) is denied.

Dated this 9th day of August, 2018.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge